



STATE OF WISCONSIN Assembly Journal

Ninety-Eighth Regular Session

11:07 A.M.

WEDNESDAY, May 16, 2007

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Huebsch in the chair.

Representative Gottlieb asked unanimous consent for a quorum call. Granted.

A quorum was present.

The prayer was offered by Representative A. Ott.

Representative Schneider led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Albers, Ballweg, Benedict, Berceau, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gronemus, Gunderson, Gundrum, Hahn, Hebl, Hilgenberg, Hines, Hintz, Hixson, Honadel, Hraychuck, Hubler, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Kramer, Kreuser, Krusick, F. Lasee, LeMahieu, Lothian, Mason, Meyer, Molepske, Montgomery, Moulton, Mursau, Murtha, Musser, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Owens, Parisi, Petersen, Petrowski, Poca, Pope–Roberts, Pridemore, Rhoades, Richards, Roth, Schneider, Seidel, Sherman, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Stone, Strachota, Suder, Tauchen, Toles, Townsend, Travis, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, Wasserman, Wieckert, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zipperer and Speaker Huebsch – 96.

Absent with leave – Representatives Bies, Sheridan and Shilling – 3.

Vacancies – None.

LEAVES OF ABSENCE

Representative Honadel asked unanimous consent for a leave of absence for today's session for Representative Bies. Granted.

Representative Staskunas asked unanimous consent for a leave of absence for today's session for Representatives Sheridan and Shilling. Granted.

LEAVES OF ABSENCE

Representative Honadel asked unanimous consent for a leave of absence for part of today's session for Representative Ballweg. Granted.

Representative Staskunas asked unanimous consent for a leave of absence for part of today's session for Representative Vruwink. Granted.

AMENDMENTS OFFERED

Assembly substitute amendment 1 to **Assembly Bill 286** offered by Representative Pridemore.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 341

Relating to: imposing fees for acquiring public park land, dedicating storm water treatment facilities to the public, changing the time relating to when impact fees must be paid and used, and regulating the costs of certain professional services provided through a political subdivision.

By Representatives Gottlieb, Strachota, LeMahieu, Albers, Ballweg, Berceau, Davis, Honadel, Jorgensen and Kerkman; cosponsored by Senators Erpenbach, Grothman and Olsen.

To committee on **Urban and Local Affairs**.

COMMITTEE REPORTS

The committee on **Ways and Means** reports and recommends:

Assembly Bill 320

Relating to: the timing of a joint review board meeting regarding tax incremental district number 3 in the city of Altoona.

Passage:

Ayes: 13 – Representatives Kerkman, Lothian, Hahn, Jeskewitz, Wood, Pridemore, Strachota, Ziegelbauer, Steinbrink, Fields, Hebl, Toles and Kessler.

Noes: 0.

To committee on **Rules**.

SAMANTHA KERKMAN
Chairperson
Committee on Ways and Means

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly Joint Resolution 12
Assembly Bill 227

COMMUNICATIONS

May 16, 2007

Patrick Fuller
Assembly Chief Clerk
17 West Main Street, Suite 401
Madison, WI 53708

Dear Chief Clerk Fuller:

Please add my name as a co-author of Assembly Bill 264.

Sincerely,
KEVIN PETERSEN
State Representative
40th Assembly District

CALENDAR OF WEDNESDAY, MAY 16

Assembly Joint Resolution 53

Relating to: the life and service of Captain Kevin Kryst of the United States Marine Corps, who lost his life during Operation Iraqi Freedom.

SPECIAL GUEST

At the request of Representative Strachota, the family of Captain Kevin Kryst joined her at the rostrum, including his

parents Elizabeth and Glenn Kryst, his fiancée Sara Bertram, his sister Jennifer and his brother Tim.

The question was: Shall **Assembly Joint Resolution 53** be adopted?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 53**. Granted.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 53** be immediately messaged to the Senate. Granted.

Assembly Bill 8

Relating to: capturing an image of a nude or partially nude person in a locker room, written policies on privacy in locker rooms, and providing a penalty.

Representative Schneider asked unanimous consent that **Assembly Bill 8** be laid on the table. Granted.

Senate Joint Resolution 28

Relating to: proclaiming Cesky Den.

The question was: Shall **Senate Joint Resolution 28** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 28** be immediately messaged to the Senate. Granted.

Senate Joint Resolution 48

Relating to: American Stroke Awareness Month.

The question was: Shall **Senate Joint Resolution 48** be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 48** be immediately messaged to the Senate. Granted.

Representative Honadel asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

11:45 A.M.

RECESS

2:06 P.M.

The Assembly reconvened.

Speaker Pro Tempore Gottlieb in the chair.

Representative J. Fitzgerald asked unanimous consent for a quorum call. Granted.

A quorum was present.

LEAVES OF ABSENCE

Representative Honadel asked unanimous consent for a leave of absence for part of today's session for Representative Gundrum. Granted.

Representative Staskunas asked unanimous consent for a leave of absence for part of today's session for Representative A. Williams. Granted.

Representative Ballweg asked unanimous consent that her leave of absence be lifted. Granted.

Representative Vruwink asked unanimous consent that her leave of absence be lifted. Granted.

CALENDAR OF FRIDAY, MAY 11

Assembly Bill 30

Relating to: permitting an educational agency to refuse to employ or to terminate from employment an unpardoned felon.

The question was: **Assembly Bill 30** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Ballweg, Davis, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Gronemus, Gunderson, Hahn, Hines, Hintz, Hixson, Honadel, Hraychuck, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kestell, Kleefisch, Kramer, Krusick, F. Lasee, LeMahieu, Lothian, Meyer, Montgomery, Moulton, Mursau, Murtha, Musser, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Owens, Petersen, Petrowski, Pridemore, Rhoades, Roth, Sherman, Smith, Soletski, Staskunas, Stone, Strachota, Suder, Tauchen, Townsend, Van Roy, Vos, Vukmir, Wasserman, Wieckert, M. Williams, Wood, Ziegelbauer, Zipperer and Speaker Huebsch – 64.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Fields, Grigsby, Hebl, Hilgenberg, Hubler, Kessler, Kreuser, Mason, Molepske, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sinicki, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Young and Zepnick – 29.

Paired for – Representatives Bies and Cullen – 2.

Paired against – Representatives Sheridan and Shilling – 2.

Absent or not voting – Representatives Gundrum and A. Williams – 2.

Motion carried.

Representative Mason asked unanimous consent to be recorded as voting “**Aye**” on the previous question. Granted.

Representative Sherman asked unanimous consent to be recorded as voting “**No**” on the previous question. Granted.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 30** be immediately messaged to the Senate.

Representative Schneider objected.

Representative J. Fitzgerald moved that the rules be suspended and that **Assembly Bill 30** be immediately messaged to the Senate.

The question was: Shall the rules be suspended and **Assembly Bill 30** be immediately messaged to the Senate?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Ballweg, Davis, J. Fitzgerald, Friske, Gottlieb, Gunderson, Hahn, Hines, Honadel, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Kramer, Krusick, F. Lasee, LeMahieu, Lothian, Meyer, Montgomery, Moulton, Mursau, Murtha, Musser, Nass, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Owens, Petersen, Petrowski, Pridemore, Rhoades, Roth, Stone, Strachota, Suder, Tauchen, Townsend, Van Roy, Vos, Vukmir, Wieckert, M. Williams, Wood, Zipperer and Speaker Huebsch – 51.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Garthwaite, Grigsby, Gronemus, Hebl, Hilgenberg, Hintz, Hixson, Hraychuck, Hubler, Jorgensen, Kessler, Kreuser, Mason, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sherman, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, Young, Zepnick and Ziegelbauer – 43.

Absent or not voting – Representatives Bies, Gundrum, Sheridan, Shilling and A. Williams – 5.

Motion failed.

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

Senate Bill 180

ACTION ON THE SENATE MESSAGE

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 180** be withdrawn from the Senate message and taken up at this time. Granted.

Senate Bill 180

Relating to: the timing of a joint review board meeting regarding tax incremental district number 3 in the city of Altoona.

By Senators Kreitlow and Vinehout; cosponsored by Representative Moulton.

The question was: Shall **Senate Bill 180** be ordered to a third reading?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 180** be given a third reading. Granted.

The question was: **Senate Bill 180** having been read three times, shall the bill be concurred in?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 180** be immediately messaged to the Senate. Granted.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 51** be taken from the table. Granted.

Assembly Bill 51

Relating to: prohibiting certain computer messages or postings that invite harassment or obscene, lewd, or profane communication and providing a penalty.

Representative Kessler asked unanimous consent that **Assembly Bill 51** be placed at the foot of today's calendar. Granted.

Assembly Bill 66

Relating to: authorizing the Wisconsin Health and Educational Facilities Authority to issue bonds to finance projects related to cultural facilities.

The question was: Shall **Assembly Bill 66** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 66** be given a third reading. Granted.

The question was: **Assembly Bill 66** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 66** be immediately messaged to the Senate. Granted.

Assembly Bill 106

Relating to: designating and marking a bridge on STH 156 in the town of Navarino as the Avery Wilber Memorial Bridge.

The question was: Shall **Assembly Bill 106** be ordered engrossed and read a third time?

Motion carried.

Representative Friske in the chair.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 106** be given a third reading. Granted.

The question was: **Assembly Bill 106** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 106** be immediately messaged to the Senate. Granted.

Assembly Bill 134

Relating to: engineering work for certain Department of Transportation highway projects.

The question was: Shall Assembly amendment 1 to **Assembly Bill 134** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 134** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 134** be given a third reading.

Representative Schneider objected.

Representative J. Fitzgerald moved that the rules be suspended and that **Assembly Bill 134** be given a third reading.

The question was: Shall the rules be suspended and **Assembly Bill 134** be given a third reading?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Ballweg, Davis, J. Fitzgerald, Friske, Gottlieb, Gunderson, Hahn, Hines, Honadel, Jeskewitz, Kaufert, Kerkman, Kestell, Kleefisch, Kramer, F. Lasee, LeMahieu, Lothian, Meyer, Montgomery, Moulton, Mursau, Murtha, Musser, Nass, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Owens, Petersen, Petrowski, Pridemore, Rhoades, Roth, Stone, Strachota, Suder, Tauchen, Townsend, Van Roy, Vos, Vukmir, Wieckert, M. Williams, Wood, Zipperer and Speaker Huebsch – 50.

Noes – Representatives Benedict, Berceau, Black, Boyle, Colon, Cullen, Fields, Garthwaite, Grigsby, Gronemus, Hebl, Hilgenberg, Hintz, Hixson, Hraychuck, Hubler, Jorgensen, Kessler, Kreuser, Krusick, Mason, Molepske, Nelson, Parisi, Pocan, Pope–Roberts, Richards, Schneider, Seidel, Sherman, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Toles, Travis, Turner, Van Akkeren, Vruwink, Wasserman, Young, Zepnick and Ziegelbauer – 44.

Absent or not voting – Representatives Bies, Gundrum, Sheridan, Shilling and A. Williams – 5.

Motion failed.

Assembly Bill 152

Relating to: the method of election of village officers.

The question was: Shall **Assembly Bill 152** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 152** be given a third reading. Granted.

The question was: **Assembly Bill 152** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 152** be immediately messaged to the Senate. Granted.

Assembly Bill 198

Relating to: conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 198** be laid on the table. Granted.

Speaker Pro Tempore Gottlieb in the chair.

Assembly Bill 270

Relating to: changing the members of the Council on Veterans Programs.

The question was: Shall **Assembly Bill 270** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 270** be given a third reading. Granted.

The question was: **Assembly Bill 270** having been read three times, shall the bill be passed?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 270** be immediately messaged to the Senate. Granted.

Assembly Bill 75

Relating to: assistance for veterans affected by depleted uranium.

The question was: Shall **Assembly Bill 75** be ordered engrossed and read a third time?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 75** be given a third reading. Granted.

The question was: **Assembly Bill 75** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Albers, Ballweg, Benedict, Berceau, Black, Boyle, Colon, Cullen, Davis, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gronemus, Gunderson, Hahn, Hebl, Hilgenberg, Hines, Hintz, Hixson, Honadel, Hraychuck, Hubler, Jeskewitz, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Kramer, Kreuser, Krusick, F. Lasee, LeMahieu, Lothian, Mason, Meyer, Molepske, Montgomery, Moulton, Mursau, Murtha, Musser, Nass, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Owens, Parisi, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Rhoades, Richards, Roth, Schneider, Seidel, Sherman, Sinicki, Smith, Soletski, Staskunas, Steinbrink, Stone, Strachota, Suder, Tauchen, Toles, Townsend, Travis, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, Wasserman, Wieckert, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zipperer and Speaker Huebsch – 94.

Noes – None.

Absent or not voting – Representatives Bies, Gundrum, Sheridan, Shilling and A. Williams – 5.

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Assembly Bill 75** be immediately messaged to the Senate. Granted.

Senate Bill 11

Relating to: time–share licenses.

The question was: Shall Assembly amendment 1 to **Senate Bill 11** be adopted?

Motion carried.

The question was: Shall **Senate Bill 11** be ordered to a third reading?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 11** be given a third reading. Granted.

The question was: **Senate Bill 11** having been read three times, shall the bill be concurred in as amended?

Motion carried.

Representative J. Fitzgerald asked unanimous consent that the rules be suspended and that **Senate Bill 11** be immediately messaged to the Senate. Granted.

Assembly Bill 51

Relating to: prohibiting certain computer messages or postings that invite harassment or obscene, lewd, or profane communication and providing a penalty.

Representative J. Fitzgerald asked unanimous consent that **Assembly Bill 51** be laid on the table. Granted.

VISITORS

During today's session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Chris Kulinski from Lublin, guest of Representative M. Williams.

Mark and Maria Pietraszun, Citizens Ambassadors from Szczecin, Poland, guests of Representative M. Williams.

Students from Juda High School, guests of Representative Davis.

David and Patricia Petersen from Waupaca, parents and guests of Representative Petersen.

Robert and Connie Andraschko from Waupaca, guests of Representative Petersen.

Yvonne Duesterhoeft, Jefferson County Veterans Services Officer, guest of Representative Kleefisch.

Mark Grams, Dodge County Veterans Services Officer, guest of Representative Kleefisch.

Bob Hilgenberg from Everett, Washington, brother and guest of Representative Hilgenberg.

Tim Mayer, guest of Representative Wieckert.

Mayor Gene Rosin from Kaukauna, guest of Representative Nelson.

McKayla Wedig and her family from Mt. Horeb, guests of Representative Pope-Roberts.

4th Grade Students from Westby Area Schools, guests of Representative Nerison.

Maggie Gau, guest of Representative Hraychuck.

Tessa Chell, guest of Representative Hraychuck.

ANNOUNCEMENTS

Representatives Sinicki and Zepnick asked unanimous consent that the Assembly adjourn in memory of Christopher Susedik, who passed away on May 12. Granted.

Representative Vukmir asked unanimous consent that the Assembly adjourn in memory of Jerry Korte, Short-Game Golf Wizard from Muskego, who passed away on May 14. Granted.

Representative Zepnick asked unanimous consent that the Assembly adjourn in honor of his parents, Gordon and Jerelyn Zepnick, on the occasion of their 48th wedding anniversary. Granted.

Representative Hebl asked unanimous consent that the Assembly adjourn in honor of his son, Matthew, on the occasion of his graduation from the University of Wisconsin-Milwaukee School of Communication. Granted.

Representative Rhoades asked unanimous consent that the Assembly adjourn in honor of David Drewiske, the captain of the Badger Hockey Team. Granted.

Representative Grigsby asked unanimous consent that the Assembly adjourn in honor of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) on the occasion of their Lobby Day May 15-16. Granted.

Representative Schneider asked unanimous consent that the Assembly adjourn in honor of his daughter Jeanine, on the occasion of her engagement to Will Smith. Granted.

ADJOURNMENT

Representative J. Fitzgerald moved that the Assembly stand adjourned pursuant to **Senate Joint Resolution 1**.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

2:52 P.M.